

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Criminal File No. 03-420 (MJD)

Kelly Thomas Rieland,

Defendant.

This matter is before the Court on Defendant Kelly Thomas Rieland's letter requests that this Court remove a violent offense from his presentence investigation report so that he can qualify for a prison with a lower security level [Docket Nos. 71, 72]. Defendant in his letters claims that he has never committed a violent offense and was never charged with or convicted of a violent offense.

The Court does not find this to be the case. Specifically, in the instant case, a loaded handgun was seized from the Defendant when he was arrested.

Additionally, in relation to the instant case, a sawed-off shot gun was seized from Defendant's home.

Defendant's letters specifically request that this Court remove from his presentence investigation report a 2002 violation of an order for protection

offense, for which the Defendant pled guilty. At Defendant's sentencing he made no objections to the findings of the presentence investigation.

Furthermore, in Defendant's letters he admits that he pled guilty to the violation of an order for protection, but argues that nothing violent happened in relation to that offense. For these reasons, the Court will deny Defendant's letter requests to have a violent offense removed from the presentence investigation report.

Additionally, the Court notes that Defendant's security level designation is a determination made by the Bureau of Prisons, who ultimately designate the place where a defendant's sentence is to be served. 18 U.S.C. § 3621(b).

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Letter Requests that the Court remove a violent offense from his presentence investigation report [Docket Nos. 71, 72] are **DENIED**.

Dated: April 29, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court